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ABSTRACT

Four articles expressing the views of nine prominent United States citizens about the Constitution provide a context for reflecting on the meaning of the Constitution in present-day America. In "Why Has the Constitution Endured So Long?" Don Edwards, chairman of the House Civil and Constitutional Rights Subcommittee, discusses why the Constitution worked when the Articles of Confederation did not, and explains why the Constitution has endured for two hundred years. In "States' Rights and the Constitution" Mario Cuomo, governor of New York, and Newt Gringrich, a member of the House of Representatives from Georgia, debate the principle of federalism and its effect on the ability of the state to govern. In "Civil Liberties and the Constitution" Arthur Spitzer, the director of the Washington, D.C. chapter of the American Civil Liberties Union, discusses the importance of protecting the rights of minorities. In "Five Prominent Americans Reflect on the Constitution" Strom Thurmond, Judy Goldsmith, Phyllis Schafly, Barbara Jordan, and Tom Lantos discuss how the Constitution has influenced their personal and professional lives and explain what, if any, changes they would make. A case study "Extending the Right to Vote" examines how the 19th and 26th Amendments to the Constitution were ratified. Although both amendments deal with extending voting rights, the ways in which they became part of our Constitution were very different. Three classroom activities are suggested and the publication concludes with a copy of the full text of the Constitution. (APG)

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# THE CONSTITUTION

## Perspectives on Contemporary American Democracy

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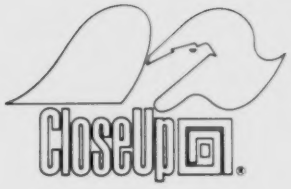
# THE CONSTITUTION

Perspectives on
Contemporary American
Democracy



# The Constitution

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Imagine that you were asked to create a new form of government for the United States. Where would you begin? What issues would you raise and how would you decide their importance? These are not easy questions, yet they are exactly the ones that faced the men at the Constitutional Convention in 1787. Our government is a result of how the authors of the Constitution answered these and other questions about the purpose and principles of the proposed government.

The Constitution creates the basic institutions of our national government and spells out the powers of these institutions, the requirements for holding office, and the rights of citizens. In addition, our Constitution is the fundamental law of the land. It is the basis for laws written by federal, state, and local legislatures.

The Constitution has its roots in the dissatisfaction many Americans felt with the government under the Articles of Confederation—a government that was very limited in its powers and ineffective in dealing with the problems facing the new nation. Under the Articles the national government could not raise its own money and the enactment of legislation required the agreement of all thirteen states. The goal of the new Constitution was to strengthen the national government in order to promote the economy and protect against foreign invasion.

### A Strong But Limited Government

America's founders were very suspicious of strong government. After all, the government of Great Britain had used its powers to take away the colonists' liberties. Could not a strong American government do the same thing? The authors of the Constitution shared this suspicion

National Geographic Photographer courtesy U S Capitol Historical Society

**George Washington presides over the signing of the Constitution in Philadelphia in 1787. Washington served as president of the Constitutional Convention after he was unanimously elected by the attending delegates.**

to a point. But they also wanted a government to be strong enough to protect liberty and keep order. The conflict between the need for a strong, effective government and the desire to prevent a repressive government was solved in several ways.

Considerable power was given to the national government, especially to regulate commerce, raise money, maintain armed forces, deal with foreign nations, and pass laws without the consent of the separate state governments. But this authority was distributed among different institutions (Congress, the president, and the courts) rather than concentrated in one body or person. This is the principle of separation of powers. Moreover, the three branches of government were each given opportunities to block the action of the other branches. This is the principle of checks and balances. The Constitution thus created a government that was strong in many ways but could be readily prevented from abusing power. It reflects the belief that government should have power only in certain areas and only when many different interests agree that such power ought to be exercised.

### Federalism

The national government was intended to be strong but limited; beyond its authority, power would reside with the states. This distribution

of power between the central government and the states is called federalism, and like the separation of powers, it spreads out political authority to prevent power from being concentrated in any one group.

The division of power between the national government and the states was one of the most delicate tasks the authors of the Constitution confronted. Federalism has always involved two somewhat contradictory ideas. The first, expressed in Article VI, is that the Constitution and the laws of the national government are supreme. The second principle, contained in the Tenth Amendment, gave to the states or the people all powers not delegated to the national government. These include control of state, county, and city governments, supervision of education, and local police powers. The conflict between national supremacy and states' rights came to a head in the Civil War when southern states claimed they had the right to secede from the Union. Even with the resolution of that crisis, the question of division of power between national and state governments remains a fundamental issue.

**The Bill of Rights**

The Constitution provided for the protection of certain rights, but it lacked an explicit statement protecting such basic liberties as freedom of speech and freedom of the press. The first ten amendments to the Constitution, called the Bill of Rights, guarantees the protection of civil liberties and civil rights.

The Bill of Rights grants certain positive rights such as freedom of religion, speech, the press, and assembly, the right to petition the government for redress of grievances, and the right to bear arms. It also guarantees certain procedural rights such as no unreasonable searches and seizures, no double jeopardy, no excessive bail or cruel and unusual punishment, and the right to a speedy and public trial.

The Bill of Rights gave citizens protection from the national government, not state governments. The First Amendment, for example, requires that "Congress shall make no law respecting an establishment of religion"; nothing is said about state legislatures, many of which enacted Sabbath laws and other discriminatory legislation. After the Civil War, the Fourteenth Amendment was adopted, which says in part that no state shall deprive a person of life, liberty, or property without due process of law or deny a person equal protection of the laws. This amendment has been used over the years to extend the Bill of Rights to the states and increase the protections granted in the Bill of Rights.

**The Constitution Today**

That a system of government created in the eighteenth century has survived until the present is a remarkable accomplishment. An important reason for this survival is that the Constitution is flexible enough to meet with changing circumstances. The Constitution was not written as a detailed and rigid document. Although Congress is given the power to declare war, for example, the president is commander-in-chief of the military and has considerable discretion in the exercise of this authority. Because the Constitution did not precisely define the meaning of "commerce" when it gave Congress the right to regulate trade, Congress can deal with such modern areas of commerce as air travel. This adaptability is strengthened by the provision of a formal method for modifying the Constitution: the amendment process. Although it has not been used frequently, the ability to amend the Constitution means that if a provision of our government is not working the way we want it to, we can legally change it. For example, when the original method of selecting the president and vice president became unworkable, the Twelfth Amendment was passed in 1804.

The Constitution is the framework of our government, but more importantly, it is the symbol of the ideals of the American people. The substance of the principles in the Constitution ultimately rests on the American people and what they do with it. The people have the constitutional right to demonstrate against a government policy and can thereby change that policy. The press has the constitutional right to publish the truth that can bring an end to government corruption. The people have the constitutional right to criticize public officials and can elect a more responsive government. Viewed in this way, the Constitution is a document with meaning for all of us.

# Why Has the Constitution Endured for So Long?

*Representative Don Edwards*

*Don Edwards (D-Calif.) has been a member of the House of Representatives since 1962. Representative Edwards is a member of the House Judiciary Committee, which reviews proposed amendments to the Constitution, and chairs the Civil and Constitutional Rights Subcommittee.*

In the summer of 1787, a group of 55 remarkable men came together in Philadelphia to produce one of the greatest documents ever written—the United States Constitution. The Constitution established the four principles upon which our government rests: the separation of powers among three equal branches of government (executive, legislative, and judicial); a system of checks and balances; federalism, which divides power between federal and state governments; and the principle that ours is a nation ruled by laws, not men.

The four principles were the product of the insights and experiences the delegates brought with them to Philadelphia. The colonial experience and the war for independence taught the framers of the Constitution that concentration of power in the hands of one person often resulted in tyranny. At the same time, six years of life under the Articles of Confederation proved that a weak central government was inadequate to govern a large and diverse nation of thirteen states, each jealous of its own powers and prerogatives.

Under the Articles of Confederation, the decisions of Congress were little more than recommendations to the states. On important matters, the approval of each individual state was required before action could be taken. For example, Congress had to prevail on each state for funds for the National Treasury, but lacked the power to enforce payment. In matters of commerce, both foreign and domestic, the states often acted individually to the detriment of other states and the country as a whole.

Faced with a rapidly deteriorating financial situation and the inability to act, the country's leaders recognized the need for a stronger central government. The states agreed to gather in Philadelphia in the summer of 1787 to revise the Articles of Confederation. Instead, the framers created an entirely new document, and in the process, a new form of government. It is federal, in that it is made up of sovereign states, which retain power over their own affairs, and it is national, in that there is a central government to "provide for the common defense and promote the general welfare."

IF I COULD JUST GET MY HANDS FREE, I'D REALLY BE ABLE TO HELP YOU PEOPLE.
MAYBE "YES"... MAYBE "NO".
SEPARATION OF POWERS
CHECKS AND BALANCES
Peter ©'94

The framers of the Constitution recognized, based on their experience with the English king, that people could not be trusted with unlimited authority. Thus, power was divided among the three branches of government. As James Madison said, in framing a government for people and not angels, "you must first enable the government to control the governed; and in the next place oblige it to control itself."

At the same time, by carefully enumerating the powers and responsibilities of each of the three branches, the Constitution also established the system of checks and balances to assure that no one branch could usurp too much power. To accomplish this goal, each branch of government had to be given the means and the motives to resist encroachment by the other. Again, in Madison's words, "ambition must be made to counter ambition."

By delegating power between the national government and the states, the framers of the Constitution granted the states the authority to govern themselves in internal matters, while the federal government would provide for general needs of the nation. The Articles of Confederation made the rights and duties of the national government easy to perceive and define—primarily, the power to wage war, levy taxes, and regulate commerce among the various states.

Another fundamental principle established by the Constitution is that ours is a government of laws, not men. In many ways, the most significant provision of the Constitution is the clause that says "this Constitution . . . shall be the supreme law of the land." It is not merely an agreement between sovereign states, but a law enacted by the people, backed by the armed power of the entire nation, and ultimately enforceable in the courts.

Thus, the common denominator of all three branches of our national government is the law. The legislature writes the laws, the executive branch enforces the law, and the courts interpret and resolve disputes under the law. All of our executive and judicial officers swear their loyalty not to any monarch or other individual but to the Constitution—to an idea made into law.

Why did the Constitution succeed where the Articles of Confederation failed? One reason is that the Articles of Confederation depended on a group of independent and often selfish states to run the affairs of the nation. The Constitution deals directly with the people themselves, deriving its power solely from the consent of the governed. The Constitution was formulated on the theory that the national government should possess only those powers set out in the Constitution. All other powers remained with the states or with the people. While this concept was not articulated in the Constitution itself, but in the Tenth Amendment, which was adopted with the rest of the Bill of Rights, it nevertheless is one of the principles underlying the creation of the Constitution.

Equally fundamental to the Constitution's endurance is the fact that the framers did not

## Constitutional Distribution of Powers

**Some Powers Granted by the Constitution**

**To the national government**

- To regulate commerce with foreign governments and among states
- To coin money
- To declare war
- To create and provide for an army and navy
- To establish uniform laws regarding naturalization and bankruptcy
- To establish a postal service

**To the national *and* state governments**

- To levy taxes
- To borrow money
- To establish courts
- To make and execute laws

**To the state governments**

- To establish local governments with sole jurisdiction over institutions such as police departments and schools
- To hold elections
- To regulate intrastate commerce

intend for the Constitution to set out every detail of government or to answer every question that might arise over the next several hundred years. Indeed, such a task would have been impossible. Instead the Constitution sets forth certain general principles designed not only to address the problems facing the framers in 1787, but also to address unforeseen problems in the future. By creating a framework for government rather than a rigid set of rules and regulations, the framers of the Constitution established a government that changes and adapts to the growing needs of the nation.

For example, the delegates to the Philadelphia convention were lawyers, farmers, and merchants. They were all white property owners. Women couldn't vote, and slavery not only existed, but was recognized and in some degree protected by the Constitution. And yet, partly through application of the original Constitution and partly through amendments to it, we have seen the groups of people brought within its protection expand. Indeed, that expansion is a by-product of the system established in Philadelphia in 1787.

It is a tribute to the Constitution's vitality that, despite the built-in mechanism for change, there have been few modifications over the years. Madison and his colleagues gave us a framework for experimentation and peaceful, rather than violent, change. Indeed, Madison forcefully defended the idea that one of our greatest virtues is that we have not hesitated to experiment, to take steps for which there was no real precedent. The Constitution is in keeping with that idea. It is not, as some would have us believe, a work of divine origin, forever fixed in both content and meaning, but rather, a practical, workable document planned to meet certain immediate needs, and subsequently adapted by an ingenious people to meet the changing requirements of the times. Because of the framers' willingness to experiment, we have enjoyed unparalleled stability as a nation and have grown from thirteen "nation states" of a few million people to fifty states and 230 million people. We have made the transition from an agrarian society to a post-industrial, space-age society; have weathered enormous political, economic, and social upheavals; and still survive as a nation.

There are those who might argue that strict adherence to constitutional principles hinders the efficient operation of our government. Government today seems to many to be costly, burdensome, and grossly inefficient. There is always inefficiency in bureaucratic institutions, public and private. But the Constitution does

not create efficiency or inefficiency. It sets up the basic framework of our government and leaves it to individuals to make the framework function smoothly. And for the most part, it does. One has only to look at other countries to see that we are a model of efficiency. In this country, things work because the system works.

Others argue that the Bill of Rights in particular hinders effective government. For example, the police can't do their job because of the Fourth Amendment right against unreasonable searches or the Fifth Amendment right against self-incrimination. And there hasn't been a president of this country who hasn't wished—at least in private—for the ability to curb the press, regardless of the First Amendment.

But these rights were so vital to the framers that, although they were not included in the Constitution itself, they were added soon after and are viewed by many as an integral part of the original document. Several states ratified the Constitution on the assurance that a Bill of Rights would be added. The Constitution was to be free of the tyranny of the English king—who quartered soldiers in peoples' homes, and whose officials searched people's houses without warrants, jailed them without trials, and restricted the press. For the framers, no evil was worse than a tyrannical government. They drafted the Constitution to assure that that evil never returned. They were successful beyond their dreams.

**Questions to Consider**

1. Why were the Articles of Confederation inadequate for governing the new nation?

2. What do you think is meant by the statement "ours is a nation of laws, not men"?

3. In your opinion, why has the Constitution changed so little over the past two hundred years?

# States' Rights and the Constitution

*CLOSE UP asked two distinguished Americans to comment on the principle of federalism, which divides the power to govern among national, state, and local governments.*

## *Governor Mario Cuomo*

*Mario Cuomo is the Democratic governor of the state of New York. Governor Cuomo views federalism as a balance of power that must be maintained between the national government and state and local governments.*

The term "federalism" is used to describe our fundamental ideas about how responsibility and authority should be divided among the three levels of government—federal, state, and local. It grows directly out of the Constitution, which our nation's founders forged in 1787. That compact established the three branches of the federal government and gave specific powers to each branch to oversee and assist the states. The president, as commander-in-chief, is charged with the national defense. Congress is given powers to tax the people and regulate commerce among the states, and the Supreme Court is authorized to resolve controversies between states and between citizens of different states.

While the Constitution established a system of checks and balances among the three branches of government, at the same time it established a balance between the federal government and the states. The Tenth Amendment to the Constitution reserves to the states whatever powers were not specifically granted to the federal government. The Tenth Amendment became the constitutional basis of the doctrine of states' rights. From the beginning of our nation, we traditionally have treated the states and the local authorities as the building blocks of our country, the level where government has stayed closest to the people. But there has always existed a tension between the federal government's authority and that of the states. The history of our federal system is really the story of the constant interplay between Washington's legal reach and that of the states.

Let's look at this history briefly. As the nation grew—in size and strength—the federal government grew, too. Recovering from the Civil War centralized power around the federal government. Railroads and industrial growth called for broader regulations. In the 1930s and 1940s, President Franklin D. Roosevelt's New Deal brought the nation out of the Great Depression with major, new federal programs in agriculture, industry, and social welfare. Subsequently, the New Frontier and Great Society programs of the Kennedy and Johnson administrations in the 1960s extended even further the federal government's involvement.

**Origin of the Term "Federalism"**

Before 1787, the terms "federal" and "confederal" meant the same thing. Both referred to a loose association of states that governed without a strong central administration, like the Articles of Confederation. But at the ratification convention, supporters of the Constitution appropriated the term "federal" and gave it their own meaning: a government that is neither entirely centralized nor entirely decentralized, but a combination of the two. Thus, people who favored the Constitution became known as Federalists. Today, the term "federal government" means the national government but "federalism" refers to the division of power between the national and state governments.

For some people, these developments have been a necessary and effective use of governmental power to protect the people. However, some critics denounce this growth as "intrusive" and call for a rollback of federal authority. They talk about a "New Federalism" that would "restore" the primacy of states' rights. No one questions the need constantly to reexamine the balance between the federal government and the states, but it is a mistake to see the two entities in some kind of standoff where one cannot succeed without the other relinquishing power.

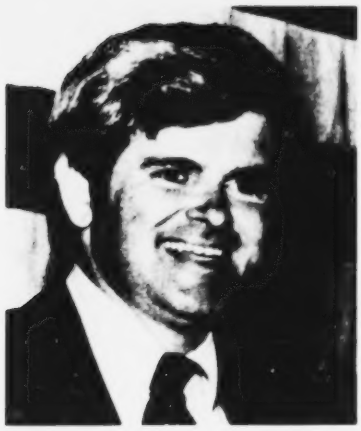
The fact is, I think, that the states today are alive and well. The last hundred years do not necessarily represent a history of the states' diminishment. On the contrary, the states have grown alongside the federal government, and there is widespread agreement today that the federal government and the states are dividing up responsibility and authority in a reasonable and practical manner. Ironically, those who want to cut back federal power wish to accomplish this by reducing programs that in fact strengthen the abilities of states to govern.

I think it is fair to say that certain tasks are appropriate for the federal government—e.g., looking after our national security, such as protecting our sea lanes or stopping the importation of drugs into the country. Other tasks are similarly appropriate for the states—e.g., administering public education and providing basic services such as road construction and employment programs.

We also expect a constant shifting of responsibilities between the levels of a federalist system. What is it that determines whether and when the federal government or the states are more appropriate? There are many complex factors, among which are who has the resources and what is the most efficient scale. The federal government has greater, more diverse assets and therefore can undertake tasks on a large scale. The states, on the other hand, are able to focus on particular needs and therefore can tailor programs to meet those needs more closely and efficiently.

Often, the states and federal government encourage and complement each other in fulfilling their respective tasks. The states serve as laboratories for innovation and change, trying out new ideas and programs. The federal government takes ideas that work and helps spread them throughout the country. Thus, many of the programs for employment, health, and income security that the federal government now operates began first in the states. Recently, my own state of New York introduced two ideas to limit the dangers of driving. New York laws now require automobile drivers and passengers to wear seatbelts and prohibit the sale of alcoholic beverages to anyone under twenty-one years old. This approach to making our roads safer is spreading to other states—and may soon influence legislation in Congress.

In short, federalism means that each state is strongest, and the nation as a whole is strongest, when we help each other, and when no state stands alone, when no state gets back only what it puts in but what it needs. The strength of our country is in its diversity: different people, different regions, and different ideas. Federalism is a way of bringing these differences into harmony. It encourages states to develop solutions to problems independently and then helps the states share in each other's successes. Every state has its own special needs and problems, but every state also has something unique to offer to the rest of the nation. We stand separately but not apart. We provide for ourselves, but we cooperate with each other. We see federalism as a family matter.



## *Representative Newt Gingrich*

*Newt Gingrich (R-Ga.) was first elected to the House of Representatives in 1978 after teaching history for eight years at West Georgia College. Representative Gingrich believes that the growth of federalism has led to a liberal welfare state that reduces the amount of control people have over their daily lives.*

Our nation's founders understood that, in a democracy, power should be kept decentralized. They wanted the states to retain as much power as possible. That is why, when in doubt, they preferred power to be maintained at the state level or in the people themselves. The framers of the Constitution were very concerned about centralized power leading to dictatorship.

Yet, the framers knew that the problems in their world could never be centralized. They could never have conceived of an age with nationwide television, instantaneous computers, telephone communications, and jet airplanes that link us together in only a few hours or a few seconds. Still, we too have learned that most problems should be solved as close to home as possible, where people understand the community they're trying to govern.

Independence and self-reliance run deep in our culture, and they are surviving despite the best efforts of the liberal welfare state to destroy them. If we obeyed every bureaucracy, implemented every Washington-invented plan, and adhered to every Washington politician's centralized vision, we would rapidly become a country incapable of sustaining our freedoms.

THIS WAS ORIGINALLY YOUR BABY. SO WE'RE GIVING HIM BACK TO YOU. HE'S EATING US OUT OF HOUSE AND HOME.
But... But!
THE STATES
FEDERAL SOCIAL PROGRAMS

Every step toward centralizing decisions in Washington undermines local and state opportunities to practice self-government.

The liberal welfare state is committed to the development of a strong, central bureaucracy in Washington. In the model liberal welfare state, professional bureaucracies in Washington hire technocrats who solve the country's problems by applying the best knowledge they can find after much study and thorough analysis.

In the last fifty years, however, we've learned that technocrats are only human and that no one knows enough to run a complex, continent-wide nation with 250 million people from one national capitol. We've learned the hard way that there is more flexibility, greater opportunity for innovation, more new ideas, and more exciting experiments in government at the state and local level. We've learned that fifty state capitals collectively have far better ideas than one national capital. Legislators in the states are closer to the people than the members of Congress in the national capitol. Being outside Washington often allows people to see simple truths that are obscured by the high-powered lobbyists, news media, and complex systems of Washington, D.C.

What I call the "opportunity society" is almost the reverse of the welfare state. The opportunity society places greater value on self-government. Whenever possible, the opportunity society would allow each citizen to be involved in reshaping the processes of government so that the power to make decisions is given back to the people.

The opportunity society would also emphasize individual and local self-reliance. Every effort would be made to balance the federal budget so that every citizen would pay fewer taxes and therefore have more personal resources to behave as their own masters. This is truly power to the people.

By focusing on opportunity and strength rather than victims and welfare, the opportunity society creates an expanding range of possibilities. The welfare state is limited to the central bureaucracy as a resource. The opportunity society begins with each of us as individuals. To develop solutions, the opportunity society turns first to the power and strength of the family, the neighborhood, volunteer associations (including churches), and finally the free-enterprise market. It only turns to government—first local, then state, and as a final source, the federal bureaucracy—as an absolute last resort.

A free society is strong and durable because of its ability to solve problems and create opportunities at many levels. The greatest danger of our current centralized welfare system is the dependence it creates. However, in the opportunity society, which I advocate, the entire society is considered a resource. The result would be a much more flexible, durable system of self-government.

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**Questions to Consider**

1. Compare how Governor Cuomo and Representative Gingrich view the relationship between the federal government and state governments. How are their two views different? How are they alike?

2. Do you think Governor Cuomo would support Representative Gingrich's concept of the "opportunity society" in the United States? Why or why not?

3. Do you think the federalist system established by the nation's founders is still an effective form of government? Why or why not?

# Protecting Civil Rights and Civil Liberties

## *Arthur Spitzer*

*Arthur Spitzer is the legal director of the Washington, D.C., chapter of the American Civil Liberties Union, a nonprofit, nonpartisan organization dedicated to protecting civil liberties and civil rights through litigation, lobbying, and public education. He has practiced law in Washington for ten years.*


Can a board of education decide that next year all black students will attend East High School and all white students will attend West High? Can a public school class begin the day with the recital of the Lord's Prayer? Can a teacher demand that a student open her handbag because the teacher suspects there is marijuana inside? If a student circulates a petition in the lunchroom calling for repeal of the school dress code, can she be ordered to stop?

The answers are no, no, no, and no. The reason is the United States Constitution—specifically the Bill of Rights. Strictly speaking, the Bill of Rights includes only the first ten amendments to the Constitution (added in 1791). In practice, other amendments also fit within the Bill of Rights, including the Fourteenth (1868), which requires the government to treat people equally regardless of their race, sex, or other characteristics; and the Fifteenth, Nineteenth, and Twenty-sixth, which extended the right to vote to black males (in 1870), to women (in 1920) and to eighteen-year-olds (in 1971).

Public schools cannot be racially segregated because the Fourteenth Amendment to the Constitution prohibits the government from discriminating against people based on race. It also prohibits discrimination based on other characteristics that are irrelevant to a person's qualifications, such as sex, religion, or national origin.

Public schools cannot begin the day with prayer because the First Amendment guarantees each of us freedom of religion—both the freedom to practice our own religion (or to practice no religion) and the right not to have to practice someone else's.

A public school teacher cannot inspect a student's handbag or backpack at whim because the Fourth Amendment protects each individual's right to privacy and requires the government to have a factual basis to suspect someone of violating the law before the person can be subjected to a search.

A public school student has a right to circulate a petition because the First Amendment prohibits the government from interfering with a person's peaceful expression of his or her views.

Of all the sections of the Constitution, the Bill of Rights has the most direct impact on the everyday lives of all Americans. Most of the Constitution is a blueprint for the structure of the federal government—how officials are elected or appointed and what their duties are—but the Bill of Rights deals with the relationship of the government to its citizens.

In a sense, the Bill of Rights stands in conflict with the main body of the Constitution. The basic philosophy of our government is democracy—a government of the people, by the people, and for the people, in Lincoln's words. Decisions in a democracy are made by majority rule, either directly, as in the election of the president and members of Congress, or indirectly, as when laws are passed by the legislature. But the purpose of the Bill of Rights is to put some matters outside the majority's rule: to say that there are some decisions the majority cannot be allowed to make.

But why shouldn't the majority always rule? The answer comes from the Declaration of Independence—that there are "certain inalienable rights" to which each of us is entitled as an individual. The philosophy of the Constitution is

that a person's religion is his or her private business, not the government's; that "a man's home is his castle"; and that the government should treat all its citizens fairly and without prejudice. The Bill of Rights protects those rights for each of us, individually, so that they cannot be taken away by a majority that may hate our particular race or religion or political activity.

People who are in the majority at any given moment often don't understand why they shouldn't be allowed to have their way. The simple answer is that by respecting the rights of others, they are protecting their own rights in the long run, because tomorrow, or next year, or ten years from now, they may be in the endangered minority.

History is replete with examples: when labor unions began organizing in the 1920s and 1930s, when civil rights workers began marching in the South, when people began demonstrating against the war in Vietnam, they were often called communists or traitors and local authorities often attempted to stop their activities. Yet ultimately, their causes prevailed. New religions—from Christianity 2,000 years ago to the Christian Scientists and Mormons of the nineteenth century to the Scientologists, Hare Krishnas, and "Moonies" of today—have almost always been despised and persecuted by the existing majority. Yet many religions that were once new and radical are well-established and accepted by society today.

Ten years ago, when a Nazi organization wanted to hold a march in Skokie, Illinois, the city council tried to prevent them. Many people couldn't understand why a group that advocated the extermination of Jews should be allowed to demonstrate in a mostly Jewish town, but the courts upheld their right to conduct a peaceful march. Just imagine what might happen today if the courts had ruled the other way: the city council of a town where most voters disapproved of abortions might ban meetings or other activities by pro-choice groups on the ground that they also advocate mass murder. The lesson of history is that the only way to protect the rights of any of us is to protect the rights of all of us.

In addition to the provisions of the Constitution, many federal and local laws also perform an essential function in extending the protection of civil rights and civil liberties to the private sector. One of the most important facts about the Bill of Rights, and perhaps the least understood, is that it applies only to action *by the government.* That is why the examples at the beginning of this article were all set in the public schools. The framers of the Constitution were worried about governmental tyranny, not private conduct. Thus, for example, it is no violation *of the Constitution* for a private company to engage in race or sex discrimination.

However, we have decided as a society that such private discrimination is unacceptable, and so Congress has passed laws prohibiting it. Other laws in some places protect people against private discrimination based on age or sexual orientation, or against having their privacy invaded by the use of telephone taps or lie detector examinations.

Because there will always be unpopular minorities, the fight to protect civil rights and civil liberties will never be completely won. But with the Bill of Rights to shield us from majority tyranny, the United States is likely to remain one of the freest societies that has ever existed on the face of the earth.

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**Questions to Consider**

1. According to Mr. Spitzer, why does the Bill of Rights conflict with the rest of the Constitution?

2. "The only way to protect the rights of any of us is to protect the rights of all of us." Do you agree with this statement? Why or why not?

3. Do you think freedom of speech should be denied to individuals or groups who advocate beliefs—such as racism or sexism—that infringe on the constitutional rights of others? Why or why not?

# Five Prominent Americans Reflect on the Constitution

**The Constitution is the most important document of the United States. Besides establishing the framework of our national government, it protects the basic freedoms that people the world over have come to associate with this country. CLOSE UP asked five prominent Americans to reflect on how the Constitution influenced their lives and what changes they would recommend for the Constitution.**

## *Senator Strom Thurmond*

*Strom Thurmond (R-S.C.) has been a U.S. senator for more than thirty years, having first been elected in 1954 after a career in South Carolina state politics. He currently is president pro tempore of the Senate, chairman of the Senate Judiciary Committee, and a member of the Commission on the Bicentennial of the U.S. Constitution.*

Our Constitution has had a profound effect on my life, both personally and professionally. At an early age, I developed a love of public service and government, and as I studied our Constitution, I developed a deep and abiding respect for the document, not only because it is the basis for our form of government, but because I consider it to be one of the centerpieces of man's great struggle for self-determination. Next to the Bible, I believe our Constitution is the greatest document in history, and it certainly remains the finest, most magnificent political document ever conceived.

Professionally, the Constitution has had a great impact on my life. My respect for the authority of the Constitution, and my belief that the federal government has improperly and unconstitutionally involved itself in areas left to the states, has been the driving force of my public service career. Since my election to the U.S. Senate in 1954, I have been fighting to ensure that the federal government remains faithful to and consistent with the precepts and mandates of the Constitution; specifically, that the federal government exercise only those powers delegated to it by the Constitution and that the states retain all other powers. That system of federalism was and is the cornerstone of our government. It must be carefully adhered to if we are to prevent the accumulation of too much power in Washington.

I am the sponsor or principal co-sponsor of several proposed amendments to the Constitution. First and foremost, I support an amendment that would mandate a balanced budget for the federal government. Congress has consistently shown its inability or outright refusal to pass balanced federal budgets (our nation has had but one in the last quarter-century), and it is quite clear that statutory approaches mandating a balanced budget are ineffective because they can be overridden by other statutes. However, the Constitution is the "supreme law of the land," and no statute can conflict with it. Therefore, a balanced budget amendment to the Constitution continues to be the only truly effective way we have to end the disgraceful practice of deficit spending and to stop shouldering future generations with a huge national debt.

Second, I favor an amendment that would restore the right of students to pray *voluntarily* in public schools. The amendment would in no way mandate or require prayer. In fact, it specifically states that no compulsory prayer, or state-composed prayers or meditations, would be allowed. The amendment would simply restore the right of purely voluntary worship that has been denied to public school students through misguided decisions by the U.S. Supreme Court.

Third, I support an amendment that would allow the president to serve only one 6-year term of office. This would allow the chief executive to make decisions without worrying about reelection and enhance his ability to make long-range public policy in controversial areas. Having to run for a second term currently discourages some of those decisions from being made. What is unpopular at the time—but good for the country in the long run—is often the best course, but political considerations many times stymie those decisions.

Our Constitution's future is a bright and promising one, as long as our people never take it for granted. For more than 200 years, our Constitution has sustained this nation in some of its most turbulent times, and it remains for the world a shining symbol of freedom and hope for all people. That is perhaps our Constitution's greatest strength: its ageless wisdom and application. Our Constitution is firmly rooted in the principle that power is ultimately vested in the people—that they, not the government, are the real reservoir of sovereignty. Our citizens convey on their government certain rights and responsibilities, and in this day where dictators and tyrants seek to use government as a tool for control and domination, that is a great and wonderful gift. It is my hope that the American people never forget how great a system of government we have, and cherish forever the legacy of freedom and human dignity our forefathers carved out for us more than 200 years ago. Our Constitution will continue to stand strong for centuries to come if we are willing to fight for its survival.

## *Judy Goldsmith*

*Judy Goldsmith, former president of the National Organization for Women (NOW), is actively involved in the effort to mobilize support for women's rights. She is a native of Wisconsin and taught college English at several universities around the country before becoming a national NOW officer in 1978.*

The Constitution was not something that I was ever consciously aware of in my youth, except as I studied it in high school civics classes and later in college. I certainly did not perceive it as a "living document" with any relevance to me. It was not until I became an activist in the women's rights movement that I came to understand the profound impact of the Constitution on my life, as well as that of all citizens.

My first real awareness of the Constitution was of a serious deficiency in it—the lack of any fundamental statement ensuring the rights of women under the law. It was that awareness that motivated my involvement in the fight for the Equal Rights Amendment (ERA), the proposed constitutional amendment that would have corrected the deficiency and established in the Constitution the principle that discrimination on the basis of sex is unacceptable under our laws.

However, in the course of the campaign to pass the ERA, I also became much more familiar with the Constitution in general, with its history, with the amending process, and in particular, with the protections for the rights of citizens that it does offer.

As an activist for change, for example, I came to fully appreciate the protection for the rights to free speech, to assemble, and to petition the government for redress of grievances. Along with all the others provided in the Constitution, these were rights that had always seemed academic and abstract. For me, it took direct contact with them to understand how real, personal, and vitally important they are. The Constitution isn't perfect (it doesn't yet have the Equal Rights Amendment!), but it is a wisely constructed document for governance, a working tool that we can use in the ongoing effort to form "a more perfect Union."

Certainly, the first amendment I would add to the Constitution is the Equal Rights Amendment: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex" (with the same second and third sections providing for it to take effect two years after ratification and enabling Congress to pass legislation to enforce it). Inequality of opportunity and economic disadvantage for women persist in the second half of the 1980s. Women continue to make only about 62 cents for every dollar made by men for comparable full-time work, and two out of three adults living in poverty are women. The ERA is needed to give constitutional grounding to the laws that were—and will be in the future—designed to protect women against sex discrimination. Without that constitutional foundation, such laws are, in effect, written in sand and may be rescinded, indifferently enforced, or gutted. The full and equal protection of the laws for women should be consistently available nationwide, and the Equal Rights Amendment would ensure such a standard.

The second amendment I would add to the Constitution would be to make the District of Columbia a state. It is unconscionable that the District, with a population exceeding that of several states, does not enjoy the same representative form of government as the rest of the country.

Yet, though the amending process has made passage of these two amendments extremely difficult, I do not think that making the amending process easier is desirable. The difficulty of the process has protected us from countless frivolous or even dangerous amendments.

## *Phyllis Schlafly*

***Phyllis Schlafly** is a member of the Commission on the Bicentennial of the U.S. Constitution. She is a lawyer, author of twelve books, a syndicated columnist, and radio commentator. Ms. Schlafly is also the president of Eagle Forum, an organization that promotes policies to support and protect the family, homemakers' benefits, better education, and a strong defense.*

The United States Constitution is the most important document in my life next to the Bible. The Constitution is the fountainhead of the religious, political, and economic freedoms all of us enjoy in America. It is impossible to overemphasize the decisive role the Constitution has in shaping the way of life, the opportunities, the freedom, and the security we all take for granted. It is why we have the freedom to attend the church of our choice without

penalty or discrimination. It is why we support the political policies and candidates of our choice without fear of reprisal. It is why we have the choice to pursue a particular career, change jobs, or move from one end of the country to the other without anybody's permission.

My life is testimony to the opportunity all Americans have—if they use it—to start from humble beginnings and have a successful and fulfilling life. What makes this possible is the vast amount of freedom that flows from the unique system of checks and balances designed by the founding fathers, which restricts the power of government over the people.

I would amend the Constitution in the following ways:

1. An amendment to Article III to end life tenure for all federal court judges. I think they should be appointed for a term (perhaps ten years) and then stand for reelection on a "retain or do not retain" ballot. This system has worked well for many state court judges. Life tenure has given federal judges too much power in relation to the other branches of the federal government.

2. An amendment to repeal the Twenty-fifth Amendment, which was added to the Constitution in 1967. The Twenty-fifth Amendment set up the procedure under which Gerald Ford became president of the United States without ever having been elected by the people. It is contrary to American principles of self-government to have as president a man who was not elected to that position by the people.

3. A Human Life Amendment to declare that unborn babies are persons entitled to the full protection of the law. The worst example of judicial activism was the 1973 Supreme Court decision in *Roe* v. *Wade*, which gave women the right to kill their unborn babies. It has resulted in the national tragedy that a million and a half unborn babies are killed every year. Just as it took a constitutional amendment to end slavery in the last century, we need a constitutional amendment to stop the killing of innocent lives.

## *Barbara Jordan*

*Barbara Jordan holds the Lyndon B. Johnson Centennial Chair in national policy at the University of Texas. She served as a U.S. representative (D-Tex.) from 1972 to 1978. Ms. Jordan rose to national prominence as a member of the House Judiciary Committee, which conducted hearings on the impeachment of President Richard M. Nixon.*

To say that the Constitution has influenced my life is an understatement. I have an extraordinary reliance on and almost personal attachment to the Constitution. At one time, I felt that the Constitution did not include me. It is clear that the seven articles that comprise the basic structure of the Constitution did not include blacks or women. It was only through the process of amendment that blacks and women were included in that document. The Thirteenth Amendment to the Constitution freed slaves, and the Fourteenth Amendment granted blacks citizenship. The Nineteenth Amendment extended to women the right to vote. These amendments provide early testimony to the flexibility of the Constitution, and in a concrete way increase my daily pride in being an American.

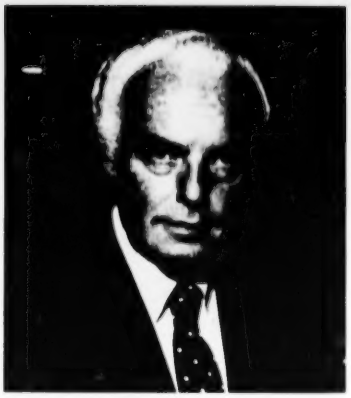
The basic freedoms guaranteed by the Bill of Rights and the Fourteenth Amendment allowed me to become the best I could become without the specter of suppression and restraint. As a lawyer starting a new law practice in Houston,

Texas, I knew that I was not consigned to practice law in the ghetto forever. If I could prove to others my competence as a lawyer, there were no limits to the goals I was free to pursue. The Constitution personally and professionally gave me a solid platform for achievement.

I think the Constitution has worked very well since its adoption in 1787. It has supported the integration of schools and the right of women to control their own bodies, among other important legislation. Yet there are those who would like to add new and quarrelsome provisions to this document. It is my belief that we must resist emotional tampering with the Constitution at all costs. It is not easy to change the Constitution, and that is good. Basic rights and liberties should be kept secure from transitory events and political currents.

I would not add any amendments to the Constitution. The flexibility of this document has made it an instrument that has served us well. There are those who would amend the Constitution to balance the budget, render abortions illegal, and include persons already addressed within its articles. There are others who would write the existing structure of our bureaucracy into the Constitution to give it a firmer base. Still others would like to make substantial changes in the form of government established by the Constitution. They would opt for a parliamentary government (in which the nation's leaders are chosen by the majority party) rather than our present form of representative democracy (in which public officials are directly elected by the people).

My view is that our framework of government with its three branches and our separation of powers is sufficient for the governance of the people of this country. If the Constitution as amended is found wanting, we in America have both the creativity and the political structure that allow us to address needs as they arise without changing the fundamental law. If I can in any sense be called a conservative when it comes to altering our framework of government, I am one.



## *Representative Tom Lantos*

*Tom Lantos (D-Calif.) was elected to the House of Representatives in 1980 after working as a foreign policy advisor to Senator Joseph R. Biden, Jr. of Delaware. Prior to his political career, Mr. Lantos was a professor of Economics at San Francisco State University.*

In the history of our great Republic, 11,092 men and women have served as members of the United States Senate or House of Representatives. Of that number, I am the only one who has lived under both fascist and communist dictatorships. I am the only survivor of the horrors of the Holocaust to be elected to Congress. Those experiences shaped my life and shaped my love and respect for the United States Constitution.

Just two months after my sixteenth birthday—in March of 1944—the Nazi army occupied my native Hungary. Even before formally taking control, however, Nazi Germany dominated the Hungarian government's foreign relations and directed its domestic policies of discriminating against Jews and stifling all opposition to the fascist regime.

Twice, along with thousands of others, I was sent to a forced labor camp. We were required to perform heavy labor on projects under the supervision of fascist troops. Many of those

who were consigned to these camps were later sent to extermination camps at Auschwitz. Thanks to my "Aryan"-looking blue eyes and blond hair and my strong will to survive, I managed to escape from the work camps. I was able to return to Budapest, where I lived in a "safe house" established by the Swedish diplomat Raoul Wallenberg. Through his courageous and daring efforts in just seven short months, Wallenberg saved an estimated 100,000 Hungarian Jews from the "final solution." My exposure to Wallenberg was a critical turning point in my life—my concern with civil and human rights stems from these early experiences.

In January 1945, Budapest was taken by Soviet troops after six weeks of house-to-house fighting. I had the opportunity to see the local Soviet leaders at first hand. Members of the high command of the Red army were interested in learning English. Through a series of coincidences, I found myself tutoring the top Soviet officers in English. Every morning a large black

Let's see... EQUAL RIGHTS... then one for a BALANCED BUDGET... GUN CONTROL would be a good one. And MANDATORY PROM DATES IS a must AMENDMENT.
NATIONAL AMENDMENT WRITING CONTEST
BE THE FIRST STUDENT IN YOUR SCHOOL TO AMEND THE CONSTITUTION.

Soviet car sporting the Soviet flag picked me up, and I spent an hour or two giving English lessons.

During this period of time I saw the tragic consequences of the denial of free speech, the subversion of the electoral process, and the imposition of a non democratic government by foreign troops.

In the summer of 1947, at the age of 19, I left Hungary to study in the United States. America was the land of promise, a land of opportunity—in stark contrast to the declining possibilities that I saw in Hungary. America was a land of liberty, where freedoms and democratic rights were enshrined in the Constitution.

One of the happiest days of my life was the day I became a U.S. citizen—five years after my arrival here. I call myself "an American by choice"—I am not a U.S. citizen simply because my parents happened to live here. I really *wanted* to be an American.

The United States Constitution embodies and guarantees the principles that are so important to me in my personal and public life. I know of no document so well designed and crafted. Two principles of the Constitution are especially dear to me because of my own experiences: freedom of speech and respect for civil and human rights.

As a teenager in Hungary, I learned the value of free speech. The fascist and communist governments controlled newspapers and radio in an effort to control the minds of the Hungarian people. Criticism in the press of the regime's denial of human rights and its disastrous foreign policies was not permitted. I listened to the Voice of America and the BBC (British Broadcasting Company), which provided then—and in fact still provides—information in areas of the world where freedom of information does not exist. During that period, I had to listen clandestinely because the government did not want Hungarians to hear other views. As I compared what I saw with what I heard from the West, I came to know the importance and value of free speech and a free press.

Both the fascist and communist governments trampled on individual rights. People were arrested without warrant; were punished on false

charges without due process of law; and were denied the right to assemble, to discuss new ideas, and to practice the religion of their choice. The denial of these rights was implemented through courts controlled by the fascist and communist regimes.

In contrast the Constitution gave the United States a government that is accountable to its people. For the first time in history, the principle was established that government is responsible to its citizens. One key feature of the Constitution is that it upholds individual rights and respects the dignity of human life.

Protecting the human rights guaranteed by our Constitution remains one of my most basic concerns as a citizen and as a congressman.

**Questions to Consider**

1. Make a list of all the constitutional amendments proposed by the writers of this article. Which amendment do you think should become part of the law of the land? Why?

2. Examine what each writer has to say about the impact of the Constitution on their lives. How do they compare? How does the Constitution affect the way you live?

3. After reading Representative Lantos's article, do you think Americans take for granted the freedoms given to them in the Constitution?

# The Constitution: Extending the Right to Vote

During the summer of 1787, delegates from twelve of the thirteen states met in Philadelphia to revise the Articles of Confederation. After initial discussion and debate, those who favored scrapping the Articles in favor of a stronger, more centralized government became leaders of the Philadelphia Convention.

Under the Articles, any amendment or change required the unanimous consent of the states and, consequently, no changes had been approved. The fifty-five men laboring in Philadelphia that summer realized the problems of unanimous consent, and as they drafted the new document—the Constitution of the United States—they were determined to provide an avenue for change.

Article Five explains how the Constitution can be changed. Amendments may be proposed by a two-thirds vote of both houses of Congress, or by a national convention called by Congress at the request of two-thirds of the state legislatures. Proposed amendments must be ratified by either an affirmative vote of three-fourths of the state legislatures or by three-fourths of the state conventions called to vote on the amendment. The choice of ratification is left to Congress. Thus far, all amendments have been proposed by Congress, and all but one have been ratified by state legislatures. That Amendment, the Twenty-first, which repealed prohibition, was ratified by state conventions.

During the past two hundred years just twenty-six amendments have been added to the Constitution. Three of these amendments were enacted to extend suffrage (the right to vote) to groups previously disenfranchised, and two of the three were adopted in this century. The Nineteenth Amendment gave women the right to vote, and the Twenty-sixth Amendment extended the right to vote to eighteen-year-olds. Although the process through which both these amendments passed was similar, the political climate in both cases was vastly different. This case study will explore how and why these amendments were added to our Constitution.

Library of Congress

**Suffragettes marching in a parade to support the passage of the Nineteenth Amendment. The right to vote was extended to women only after a seventy-two year struggle.**

League of Women Voters of the United States

**August 26, 1920. With state officials and women suffrage workers looking on, the governor of Tennessee, Albert H. Roberts, signs the state's ratification bill and the Nineteenth Amendment becomes law.**

## The Nineteenth Amendment

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*In the new code of laws . . . I desire you would remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.*

Abigail Adams, 1777

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*A woman's brain involves emotion rather than intellect; and whilst this feature fits her admirably as a creature burdened with the preservation and happiness of the human species, it painfully disqualifies her for the sterner duties to be performed by the intellectual faculties. The best wife and mother and sister would make the worst legislator, judge, and policy.*

Speech at an anti-suffrage meeting, 1896

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The campaign for women's suffrage had its beginnings in London at the 1840 world convention of the Anti-Slavery Society. Elizabeth Cady Stanton and her husband Henry were part of the American delegation. The British, however, were horrified to learn that the American contingent had women members, and after much discussion, the convention voted against seating the female delegates. The women were allowed seats in the balcony where they could listen to but not participate in the proceedings. Elizabeth Cady Stanton walked out rather than be seated as a spectator, and several male delegates, including abolitionist leader William Lloyd Garrison, walked out in support of the women.

It was on that eventful visit to London that Elizabeth Cady Stanton met Lucretia Mott, a Quaker schoolteacher and ardent abolitionist from Philadelphia. The two women became good friends and resolved to hold a women's rights meeting in the United States. Eight years later, in 1848, Elizabeth Cady Stanton organized a women's rights convention in Seneca Falls, New York. The three hundred attendees quickly adopted resolutions calling for women's rights to own property, obtain a divorce, practice free speech, and enjoy equal opportunity in commerce, the professions, and education. Elizabeth Cady Stanton's last resolution, calling for granting women the right to vote, became the cause of much debate. Even Lucretia Mott feared it would create an uproar and make supporters of women's rights look foolish. However, abolitionist Frederick

Douglass, a famous orator, spoke in favor of it, and the resolution was adopted by a slim majority.

At the same time that Lucretia Mott and Elizabeth Cady Stanton began to call for women's suffrage, Lucy Stone was graduating from Oberlin College at the age of twenty-nine. Born to a poor farm family in Massachusetts, Lucy worked as a teacher and as an aide to pay her way through college. Upon graduation she became a public speaker for the Anti-Slavery Society at a salary of $25 a month. However, her interest in women's rights soon led her to take a $15 pay cut to speak weekdays on abolition but weekends for women's rights.

A fourth woman, Susan B. Anthony, became involved in the struggle for women's rights twenty years later when she met Elizabeth Cady Stanton. A schoolteacher and an ardent advocate of prohibition, Susan B. Anthony resigned from her work with the American Temperance Union to devote all of her time to the women's rights movement.

These four women, whose names are synonymous with women's suffrage, began the campaign for voting rights for American women. Though none of them would live to witness the ratification of the Nineteenth Amendment, they all labored tirelessly for the rest of their lives toward the enfranchisement of women.

In 1869, Susan B. Anthony and Elizabeth Cady Stanton founded the National Women's Suffrage Association (NWSA). The goal of the NWSA was passage of a constitutional amendment to enfranchise women, and Susan B. Anthony traveled across the country giving speeches on behalf of women's rights.

During that same year, Lucy Stone founded the American Women's Suffrage Association (AWSA) with abolitionists Julia Ward Howe and Henry Ward Beecher. The goal of this rival suffrage organization was to win voting rights for women within each state by working with individual state legislatures, rather than attempting passage of a national constitutional amendment. In 1890, these two organizations merged under the title of the National American Women's Suffrage Association (NAWSA), and Susan B. Anthony served as president from 1892 to 1900.

The first victories for women occurred in the West. In 1869, Esther Morris, mother of three sons and the wife of a Wyoming settler, asked the president of the Wyoming territorial council, William Bright, to grant women the vote. Before the opposition had time to organize, a bill was passed by both houses of the legislature and signed by a sympathetic bachelor governor. It seems appropriate that women would first win the right to vote in a western territory, where women worked side by side with their husbands clearing land and building homes and were considered equal partners in marriage.

In 1890, when Wyoming applied for statehood, some members of Congress tried to get the territory to annul their women's suffrage law. The Wyoming legislature wired Congress, "We may stay out of the Union for 100 years, but we will come in with our women." And so Wyoming was admitted as the first women's suffrage state.

By 1896, three additional states—Utah, Colorado, and Idaho—had also granted women the right to vote. However, between 1896 and 1910 no new states passed suffrage amendments. To be sure, some states had granted women partial suffrage (e.g., women might be allowed to vote in school board elections), and many people seemed to believe in full voting rights for women. On the national level, a women's suffrage amendment was proposed in Congress many times. However, the opposition to women's suffrage was strong, and the proposed amendment was rejected each time.

By 1913 five more states had enfranchised women. Alice Paul, a young Quaker from New Jersey who had been active in the British suffragette movement, advocated working at the national level to pass a women's suffrage amendment. She formed the Congressional Union (CU) within NAWSA. There were philosophical differences between the majority of NAWSA's two million members and the CU. While NAWSA leadership advocated the use of moral pressure and persuasion to change the minds of the president and Congress, Alice Paul and the CU wanted to rely solely on political protest.

Alice Paul began her protest movement with 10,000 demonstrators marching in a women's suffrage parade in Washington, D.C., on the day before president-elect Woodrow Wilson's 1912 inauguration. Many members of the NAWSA opposed the action on the grounds that it would alienate sympathetic congressmen.

In 1915, Carrie Chapman Catt was elected president of the NAWSA, and Alice Paul was expelled from the organization. Paul and other members of the Congressional Union formed a political party, the Women's Party. It had just one goal: women's suffrage. With headquarters in Washington, the Women's Party continued to demonstrate for suffrage in front of the Wilson White House. After a few months, many of the protesters were arrested and jailed. As newspaper stories about prison conditions circulated (the cells were filthy and overcrowded and insects were found in the food), sympathy for the women spread, and money for the movement began to pour in. The arrests and

### Women Voters In Presidential Elections

Only about one-third of the women eligible to vote reported voting in the 1920 presidential election. Many waited until the 1928, 1932, or even the 1936 election to cast their first ballot. The chart below shows the percentage of men and women who said they voted in the last four presidential elections:

| Year | Men | Women |
|---|---|---|
| 1972 | 64% | 62% |
| 1976 | 59 | 58 |
| 1980 | 59 | 59 |
| 1984 | 59 | 60 |

Source: U.S Bureau of the Census

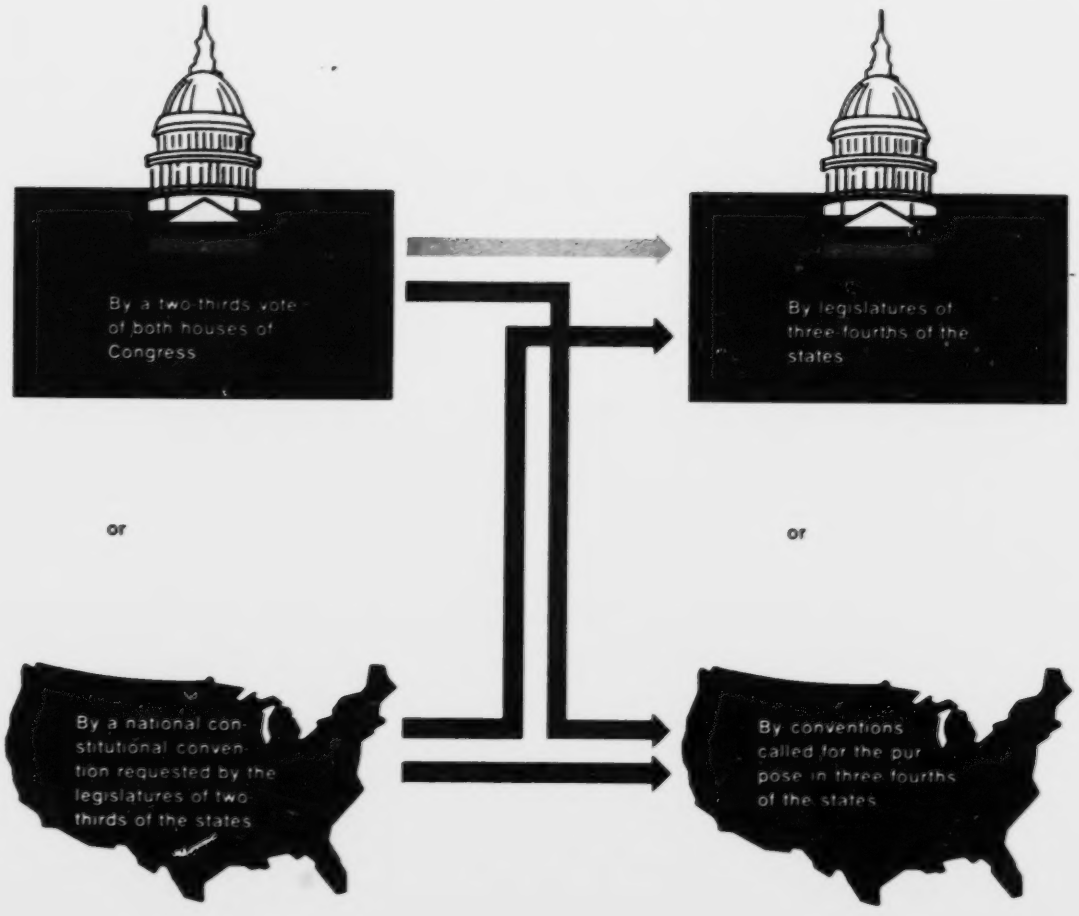
## How the Constitution Can Be Amended

■ **Step One**

**Amendments May Be Proposed Two Ways:**

■ **Step Two**

**Amendments May Be Ratified Two Ways:**


By a two-thirds vote of both houses of Congress
By legislatures of three-fourths of the states
or
or
By a national constitutional convention requested by the legislatures of two-thirds of the states
By conventions called for the purpose in three-fourths of the states

Used for every amendment except one

Used only once, for the Twenty-first Amendment, which repealed prohibition

Never used

convictions were later invalidated in the courts, and the protesters were viewed as heroines.

In 1917, the United States entered World War I. Under the leadership of Carrie Catt, women mobilized to support the war effort. In addition to hospital work, they took over jobs men had held before the war.

By the end of the war, Congress began to sense a change in the mood of the country. After all, Russia had given women the vote—why not the United States? In New York, the most populous state, a suffrage victory helped influence many congressmen to support a federal amendment. President Wilson declared his support for the amendment and both the Republican and Democratic convention platforms advocated women's suffrage. As demand for a constitutional amendment increased, NAWSA president Carrie Catt revealed a plan that assigned at least two women to lobby each congressman. After an intense lobbying effort, the Rules Committee of the House of Representatives finally agreed to bring the amendment to the floor for a vote.

On January 10, 1918, the first woman to serve in Congress, Jeanette Rankin of Montana, opened the House debate on the proposed amendment. Congressmen who supported the amendment vigorously lobbied their opponents. Some congressmen made special efforts to be in Washington for the historic debate. A representative from Illinois left a hospital for the first time in months to vote for suffrage. A New York member came from the deathbed of his wife, a suffrage worker, to support the amendment. On the third vote, the amendment passed in the House of Representatives with only two votes to spare.

The suffrage amendment was short ten votes in the Senate. Believing a Senate vote was mandatory before the fall elections, the suffragettes set about trying to secure those votes by the end of the summer.

Women came from throughout the United States to Washington for the vote. The debate lasted five days. President Wilson addressed the Senate, making an eloquent plea for suffrage.

On the day following Wilson's speech, the Senate rejected the amendment by two votes. Immediately, suffrage workers went to work on Senate campaigns to elect suffrage sympathizers and to defeat anti-suffrage senators.

In May 1920, the newly elected Congress was called into special session by President Wilson to consider once again the suffrage amendment. That same day the House passed the amendment and sent it to the Senate. This time the debate lacked the drama and passion of earlier days, and on the third ballot, the Senate passed the amendment 66 to 30.

Although many states voted for ratification in the days immediately following passage, it soon became apparent that ratification would be an additional struggle for the suffrage workers. States in which suffrage had been won years before had disbanded their organizations and now found it difficult to regroup and petition their legislatures for ratification. However, by March of 1920, thirty-three states, just three short of the required thirty-six, had ratified the amendment. Then came the news of ratification in West Virginia and Washington. Only one more state was needed—and Tennessee offered a favorable prospect.

The governor of Tennessee called the legislature into special session. Carrie Catt went to Nashville to deliver a speech and remained six weeks fighting for women's franchise. She traveled across the state speaking in towns large and small. In Niota, a small town in eastern Tennessee, an elderly woman who read of Mrs. Catt's speeches wrote her twenty-four-year-old son, recently elected to the legislature:

> And vote for suffrage and don't keep them in doubt. I notice some of the speeches against. They were very bitter. I have been watching to see how you stood, but have noticed nothing yet. Don't forget to be a good boy and help Mrs. Catt put "Rat" in ratification.

Harry Burn voted "yes" as his mother had requested, and the amendment passed the legislature, 49 to 47. After a seventy-two-year struggle, the amendment granting women the right to vote was law.

**The Twenty-sixth Amendment**

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*The right of citizens of the United States, who are eighteen years of age or older to vote shall not be denied or abridged by the United States or by any state on account of age.*

Senator Jennings
Randolph, 1942

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Since ratifying the Constitution in 1789, Congress has extended the right to vote three times through the amending process. In 1870 the Fifteenth Amendment granted former slaves the right to vote and in 1920 women gained the right to vote after a nearly seventy-year struggle. Using these two amendments as a precedent, the Twenty-sixth Amendment was adopted in 1970 to grant eighteen-year-olds the most basic of democratic rights.

The Twenty-sixth Amendment has its roots in America's involvement in the Vietnam War and the subsequent political activism of young people in the 1960s. During the mid-1960s, the United States increased its commitment to the Republic of South Vietnam to defend it against a communist invasion. Young men—many of them eighteen or nineteen years old—were drafted into the military to fight the war. Some people thought that if a young man was willing to die for his country, he should also have the right to vote. At the same time, many young Americans became increasingly involved in political issues such as race relations, women's rights, and protection of the environment. Without the power of the vote, young people could only voice their concern over these and other issues through protest marches and demon-

**After adoption of the Twenty-sixth Amendment, voter registration drives were begun by both the Republican and Democratic parties at high schools and college campuses around the country. By the presidential election of 1972 nearly 65 percent of all college students and 40 percent of eligible high school students were registered to vote.**

strations. As the protests grew, some national leaders thought the time had come for eighteen-year-olds to be given the right to vote. Congress used the pending expiration of the Voting Rights Act in 1970 to grant eighteen-year-olds the right to vote.

The Voting Rights Act (VRA) provided for direct federal intervention to assist blacks and other minorities in registering and voting. Literacy tests and poll taxes (used to prevent blacks and other minorities from voting) were abolished in six southern states. The act also provided for federal examiners to observe and monitor elections in states covered by the act.

In 1970, Congress made plans to extend the VRA, which was scheduled to expire that year. New provisions were added including a thirty-day maximum residency requirement for voting in presidential elections and an end to the use of literacy tests nationwide as a precondition to voting. Democratic senators Birch Bayh of Indiana and Edward Kennedy of Massachusetts favored the extension of the Voting Rights Act but also favored lowering the voting age to eighteen. Kennedy and Bayh wanted to attach a rider or an amendment to the VRA extension guaranteeing eighteen-year-old citizens the right to vote. The idea has surfaced each time the United States sends young men to war.

> If young men are to be drafted at eighteen years of age to fight for their government, they ought to be entitled to vote at eighteen years of age for the kind of government for which they are best satisfied to fight.
>
> Senator Arthur Vandenberg, 1942

For years, our citizens between the ages of eighteen and twenty-one have, in time of peril, been summoned to fight for America. They should participate in the political process that produces this fateful summons.

President Dwight D. Eisenhower, 1954

If eighteen-year-olds are eligible for compulsory military service, they should be eligible to vote.

Senator Robert Kennedy, 1964

With the exception of Harry Truman, all presidents from Franklin Roosevelt to Richard Nixon advocated lowering the voting age requirement to eighteen. The eighteen-year-old vote was also supported by the AFL-CIO, civil rights organizations including the NAACP, and 64 percent of the American public. The National Commission on the Causes and Prevention of Violence, a task force studying the underlying causes of the riots in the cities in the 1960s, called for " . . . draft reforms and a lowering of the minimum voting age to 18 as steps to woo alienated youth back into the mainstream of American society."

Although the idea had wide support, there was disagreement about how the change should occur. President Nixon favored a constitutional amendment because he thought Congress did not have the power to dictate voting requirements for local elections to the individual states. With strong support in Congress, however, lowering the voting age to eighteen was added to the 1970 Voting Rights Act extension, and passed both houses of Congress. President Nixon signed the bill to support the continuation of the VRA, but said he believed the clause lowering the voting age would be ruled unconstitutional for state elections. In *Oregon v. Mitchell*, the U.S. Supreme Court ruled that Congress could lower the voting age for federal elections but not for state and local elections.

## The Youth Vote

Of all registered voters in the United States, young people between eighteen and twenty years old have had the lowest turn-out in presidential elections. This chart shows the percentage of selected age groups who voted in the last four presidential elections.

| | 1972 | 1976 | 1980 | 1984 |
|---|---|---|---|---|
| Age | | | | |
| 18–20 yr | 48% | 38% | 35% | 36% |
| 21–24 yr | 50 | 45 | 43 | 43 |
| 25–34 yr | 59 | 55 | 54 | 54 |
| 35–44 yr | 66 | 63 | 64 | 63 |
| 45–64 yr | 70 | 68 | 69 | 69 |
| 65 yr and over | 63 | 62 | 65 | 67 |

Source: U.S Bureau of the Census

This decision threatened to create havoc in the forty-seven states that did not allow eighteen-year-olds to vote. Unless each state lowered the voting age for state and local elections by amending its own constitution, individual states would have to hold dual elections in 1972. States would have to maintain one set of registration books, ballots, and voting machines for the national (presidential) election and a second set of books, ballots, and voting machines for state and local races. In addition to confusing the voters, dual elections would be prohibitively expensive. Estimates for dual elections in New York City alone exceeded $5 million in addition to normal election costs. Rigid requirements for amending twenty-two of the state constitutions made it impossible for these states to lower the voting age by the 1972 presidential election.

A Senate subcommittee appointed to study the problem reported that only a U.S. constitutional amendment lowering the voting age for all elections would enable the states to comply with the new law by the 1972 elections. Thus, it was these reasons—the desire to unburden the states from the expense of dual elections and to help them comply with the revised Voting Rights Act of 1970, in addition to the desire to extend the franchise to eighteen-year-old citizens—that prompted Congress to consider a constitutional amendment.

Birch Bayh, Senate floor manager for the bill, said, "Passage of this amendment will challenge young Americans to accept even more responsibility and show that they will participate." There was only token opposition to the bill in the House. Opponents charged that transient students in small college towns might outvote taxpayers and gain control of city government. Other representatives countered the charge by explaining that states could restrict voter registration by imposing strict residency requirements.

The proponents prevailed, and the amendment passed the Senate by a resounding 94 to 0 vote. In the House it was passed by a 401 to 19 vote.

The eighteen-year-old vote amendment easily cleared the first two hurdles. Unlike the women's suffrage amendment of 1920, there was nearly unanimous support in both houses of Congress. Ratification by three-quarters of the states was the final step.

Both Democratic and Republican national committees urged their state leaders to work for ratification of the amendment. On June 30, 1971, Ohio became the thirty-eighth state needed to ratify. The amendment became effective immediately, well before the 1972 elections. Ratification had taken place in record time. Just three months and a week had elapsed since Congress had approved the amendment and sent it to the states for ratification.

## 1. Reading Between the Lines

Many of the amendments to the Constitution affect our daily lives. For example, freedom of the press allows us to gather information from a wide variety of sources; voting rights give any citizen over the age of eighteen the ability to participate in our democratic process; and due process grants every citizen the right to legal counsel when being tried in a court of law.

Try to determine which amendments most affect your own life. Carefully read the twenty-six constitutional amendments, writing down those that directly affect you and the rights they grant you. Then choose one and consider how your life would be different if that amendment had never been adopted. How would the loss of the amendment affect those around you? Write down some of your thoughts and compare them with those of your classmates.

## 2. Developing Your Own Perspective

All fifty states have constitutions that outline the duties and responsibilities of the state government. Obtain a copy of your state constitution and compare it with the U.S. Constitution. To help you compare and contrast the two documents, keep the following questions in mind:

- How are the two documents different? How are they alike?
- Does your state constitution include principles found in the U.S. Constitution such as separation of powers and checks and balances?
- Is there a bill of rights in your state constitution? If so, how does it compare with the U.S. Bill of Rights? Do you think it is necessary to have two bills of rights?
- Why do you think state constitutions are needed?

## 3. Becoming an Active Citizen

The U.S. Constitution grants states the right to establish local governments within their borders. Today, there are over 80,000 units of local government in the United States. Cities, counties, townships, and villages are some examples of the many types of local government. Often, the jurisdictions of different governments overlap. Understanding the complex maze of so many local governments can seem difficult, but knowing where to go to in order to solve a problem or answer a question is one of the first steps toward active citizenship.

To become familiar with the state, county, and other local governments that have jurisdiction in your area, call or write to your city hall and ask for a copy of the charter that established your city government. Familiarize yourself with the basic structure of your city or town government and find out the requirements for office and the responsibilities of your elected officials. Get to know local elected officials, their backgrounds, and their stands on the issues. Attend a city council meeting and watch your local government in action. Remember—their decisions affect you!

We the

# The Constitution of the United States

*Portions of the text printed in italics have been changed by amendment or have gone out of date.*

## Preamble

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

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## Article 1. The Legislative Branch

### Section 1. Congress

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### Section 2. House of Representatives

**1. Election and Term of Members.** The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

**2. Qualifications.** No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

**3. Apportionment of Representatives.** Representatives *and direct taxes* shall be apportioned among the several states which may be included within this Union, according to their respective numbers *which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.* The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every 30,000, but each state shall have at least 1 Representative; *and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3.*

**4. Vacancies.** When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

**5. Impeachment.** The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

### Section 3. Senate

**1. Number of Members and Terms of Office.** The Senate of the United States shall be composed of two Senators from each state *chosen by the legislatures thereof,* for six years, and each Senator shall have one vote.

**2. Classification; Vacancies.** *Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the Expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.*

**3. Qualifications.** No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

**4. The President of the Senate.** The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

**5. Other Officers.** The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of the President of the United States.

**6. Impeachments.** The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

**7. Penalty for Conviction.** Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

### Section 4. Elections and Meetings

**1. Holding elections.** The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

**2. Meetings.** The Congress shall assemble at least once in every year, *and such meeting shall be on the first Monday in December,* unless they shall by law appoint a different day.

### Section 5. Procedure

**1. Organization.** Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

**2. Proceedings.** Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

**3. The Journal.** Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

**4. Adjournment.** Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

### Section 6. Privileges and Restrictions

**1. Pay and Privileges.** The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning home from same; and for any speech or debate in either house, they shall not be questioned in any other place.

**2. Restrictions.** No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time, and no person holding any office under the United States shall be a member of either house during his continuance in office.

### Section 7. Passing Laws

**1. Revenue Bills.** All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

**2. How a Bill Becomes a Law.** Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same bill shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

**3. Presidential Approval or Veto.** Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations in the case of a bill.

### Section 8. Powers Delegated to Congress

The Congress shall have power

1. To lay and collect taxes, duties, imposts, and excis-

es, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

**2.** To borrow money on the credit of the United States;

**3.** To regulate commerce with foreign nations, and among the several states, *and with the Indian tribes;*

**4.** To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

**5.** To coin money, regulate the value thereof, and of foreign coin, and fix the standards of weights and measures;

**6.** To provide for the punishment of counterfeiting the securities and current coin of the United States;

**7.** To establish post offices and post roads;

**8.** To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

**9.** To constitute tribunals inferior to the Supreme Court;

**10.** To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

**11.** To declare war, *grant letters of marque and reprisal,* and make rules concerning captures on land and water;

**12.** To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

**13.** To provide and maintain a navy;

**14.** To make rules for the government and regulation of the land and naval forces;

**15.** To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

**16.** To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

**17.** To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—and

**18.** To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

### Section 9. Powers Denied to the Federal Government

**1.** *The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding $10 for each person.*

**2.** The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

**3.** No bill of attainder or ex post facto law shall be passed.

**4.** *No capitation or other direct tax shall be laid, unless in proportion to the census herein before directed to be taken.*

**5.** No tax or duty shall be laid on articles exported from any state.

**6.** No preference shall be given any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

**7.** No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

**8.** No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

### Section 10. Powers Denied to the States

**1.** No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debits; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

**2.** No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Treasury of the United States; and such laws shall be subject to the revision and control of the Congress.

**3.** No state shall, without consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in a war, unless actually invaded, or in such imminent danger as will not admit of delay.

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## Article 2. The Executive Branch

### Section 1. President and Vice-President

**1. Term of Office.** The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

**2. Electoral System.** Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

**3. Former Method of the Electoral System.** *The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by states, the representation from each state having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*

**4. Time of Elections.** The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

**5. Qualifications for President.** No person except a natural-born citizen *or a citizen of the United States, at the time of the adoption of this Constitution,* shall be eligible to the office of the President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

**6. Filling Vacancies.** In the case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

**7. Salary.** The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

**8. Oath of Office.** Before he enter on the execution of his office, he shall take the following oath or affirmation;—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

### Section 2. Powers of the President

**1. Military Powers.** The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

**2. Treaties and Appointments.** He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

**3. Filling Vacancies.** The President shall have power to fill up all vacancies that may happen during the recess

of the Senate, by granting commissions which shall expire at the end of their next session.

### Section 3. Duties of the President

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all of the officers of the United States.

### Section 4. Impeachment

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

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## Article 3. The Judicial Branch

### Section 1. Federal Courts

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

### Section 2. Jurisdiction of Federal Courts

**1. General Jurisdiction.** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; *between a state and citizens of another state;* between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof, and foreign states, citizens, or subjects.

**2. Supreme Court.** In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

**3. Conduct of Trials.** The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

### Section 3. Treason

**1. Definition.** Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**2. Punishment.** The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

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## Article 4. Relations Among States

### Section 1. Official Acts

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

### Section 2. Privileges of Citizens

**1. Privileges.** The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

**2. Extradition.** A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

**3. Fugitive Slaves.** *No person held in service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.*

**Section 3. New States and Territories**

**1. Admission of New States.** New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

**2. Powers of Congress Over Territories and Other Property.** The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

**Section 4. Guarantees to the States**
The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened) against domestic violence.

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## Article 5. Methods of Amendment

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that *(no amendments which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article; and that)* no state, without its consent, shall be deprived of its equal suffrage in the Senate.

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## Article 6. General Provisions

**1. Public Debts.** All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

**2. The Supreme Law.** This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

**3. Oaths of Office.** The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

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## Article 7. Ratification

The ratification of the convention of nine states shall be sufficient for the establishment of the Constitution between the states so ratifying the same.

*DONE in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eight-seven and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,*
*G. Washington—President and deputy from Virginia*

**NEW HAMPSHIRE**
*John Langdon*
*Nicholas Gilman*

**NORTH CAROLINA**
*William Blount*
*Richard Dobbs Spaight*
*Hugh Williamson*

**MARYLAND**
*James McHenry*
*Daniel of St. Thomas Jenifer*
*Daniel Carroll*

**PENNSYLVANIA**
*Benjamin Franklin*
*Thomas Mifflin*
*Robert Morris*
*George Clymer*
*Thomas FitzSimons*
*Jared Ingersoll*
*James Wilson*
*Gouverneur Morris*

**NEW YORK**
*Alexander Hamilton*

**MASSACHUSETTS**
*Nathaniel Gorman*
*Rufus King*

**SOUTH CAROLINA**
*John Rutledge*
*Charles Cotesworth Pinckney*
*Charles Pinckney*
*Pierce Butler*

**VIRGINIA**
*John Blair*
*James Madison*

**DELAWARE**
*George Read*
*Gunning Bedford*
*John Dickinson*
*Richard Bassett*
*Jacob Broom*

**NEW JERSEY**
*William Livingston*
*David Brearley*
*William Paterson*
*Jonathan Dayton*

**CONNECTICUT**
*William Samuel Jackson*
*Roger Sherman*

**GEORGIA**
*William Few*
*Abraham Baldwin*

*The first ten amendments constitute the Bill of Rights. They became an official part of the Constitution in 1791. They limit the powers of the federal government but not the powers of the states.*

**Amendment 1. Freedom of Religion, Speech, Press, Assembly, and Petition** (1791)
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**Amendment 2. Right to Bear Arms** (1791)
A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**Amendment 3. Housing of Troops** (1791)
No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

**Amendment 4. Searches and Seizures** (1791)
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Amendment 5. Rights of Accused Persons** (1791)
No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Amendment 6. Right to a Speedy, Fair Trial** (1791)
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Amendment 7. Civil Suits** (1791)
In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

**Amendment 8. Bails, Fines, Punishments** (1791)
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Amendment 9. Powers Reserved to the People** (1791)
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Amendment 10. Powers Reserved to the States** (1791)
The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

**Amendment 11. Suits Against States** (1798)
The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state.

**Amendment 12. Electing the President and Vice-President** (1804)
The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. *And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

**Amendment 13. Abolition of Slavery** (1865)

**Section 1.** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Section 2.** Congress shall have power to enforce this article by appropriate legislation.

**Amendment 14. Citizenship** (1868)

**Section 1. Citizenship defined.** All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2. Apportionment of Representatives.** Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, *excluding Indians not taxed.* But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, *being twenty-one years of age* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens *twenty-one years of age* in such state.

**Section 3. Disability for engaging in insurrection.** No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by vote of two-thirds of each house, remove such disability.

**Section 4. Public debt.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States *or any claim for the loss or emancipation of any slave;* but all such debts, obligations, and claims shall be held illegal and void.

**Section 5. Enforcement.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

**Amendment 15. Right to Vote** (1870)

**Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of race, color, or previous condition of servitude.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation.

**Amendment 16. Income Tax** (1913)
The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without appor-

tionment among the several states, and without regard to any census or enumeration.

**Amendment 17. Electing Senators** (1913)

**Section 1. Method of election.** The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

**Section 2. Filling vacancies.** When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

**Section 3. Not retroactive.** *This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.*

**Amendment 18. Prohibition** (1919)

**Section 1.** *After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.*

**Section 2.** *The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.*

**Section 3.** *This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.*

**Amendment 19. Women's Suffrage** (1920)

**Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

**Section 2.** Congress shall have power to enforce this article by appropriate legislation.

**Amendment 20. "Lame Duck" Amendment** (1933)

**Section 1. Beginning of terms.** The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

**Section 2. Beginning of Congressional sessions.** The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January, unless they shall by law appoint a different day.

**Section 3. Presidential succession.** If at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

**Section 4. Filling Presidential vacancy.** The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

**Section 5. Effective date.** *Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.*

**Section 6. Time limit for ratification.** *This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within the seven years from the date of its submission.*

**Amendment 21. Repeal of Prohibition** (1933)

**Section 1.** The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

**Section 2.** The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

**Section 3.** *This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.*

**Amendment 22. Two-Term Limit for Presidents** (1951)

**Section 1.** No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the

President more than once. *(But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.)*

**Section 2.** *This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.*

**Amendment 23. Presidential Electors for District of Columbia** (1961)

**Section 1.** The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice-President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice-President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation.

**Amendment 24. Poll Taxes** (1964)

**Section 1.** The right of citizens of the United States to vote in any primary or other election for President or Vice-President, for electors for President or Vice-President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

**Section 2.** The Congress shall have the power to enforce this article by appropriate legislation.

**Amendment 25. Presidential Disability and Succession** (1967)

**Section 1.** In case of the removal of the President from office or his death or resignation, the Vice-President shall become President.

**Section 2.** Whenever there is a vacancy in the office of the Vice-President, the President shall nominate a Vice-President who shall take the office upon confirmation by a majority vote of both houses of Congress.

**Section 3.** Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

**Section 4.** Whenever the Vice-President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice-President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice-President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the latter written declaration, or, if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice-President shall continue to discharge the same as Acting President; otherwise, the President shall assume the powers and duties of his office.

**Amendment 26. Voting Age Lowered to 18** (1971)

**Section 1.** The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or any state on account of age.

**Section 2.** The Congress shall have the power to enforce this article by appropriate legislation.